

SOUND PRINCIPLES FOR FACULTY EVALUATION

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ABSTRACT

THIS PAPER IS A RESPONSE TO Academic Senate Resolution 19.05 F11, which called for an update of the 1990 Academic Senate Paper *Guidelines for Developing a Faculty Evaluation Process*. The current paper presents the position that faculty evaluations should be focused on professional development and on personal and professional growth and should provide meaningful, useful feedback to the evaluatee. In order to make evaluation processes honest and meaningful, colleges must establish an environment in which faculty excellence and success are acknowledged and celebrated, in which suggestions for further improvement and growth are expected and welcomed, and in which both evaluators and evaluatees are comfortable with candid discussion of areas for improvement. Academic senates, bargaining units, and college administration must work together to establish processes that are fair and consistent and that are not perceived by faculty as threatening or punitive. This paper is intended to update and replace the 1990 paper.

INTRODUCTION

FACULTY EVALUATIONS CAN AND SHOULD BE a valuable tool for acknowledging and examining faculty performance and for improving student learning. They should help to demonstrate and encourage faculty members' engagement with the academic community and participation in college activities, including college governance. They should also offer an opportunity for professional and personal development as colleagues mentor each other and discuss the best approaches and techniques to help students succeed.

If evaluation processes are to achieve these goals, faculty must see these processes as meaningful and valuable rather than as a threat or an imposition. The evaluation process must be collegial and professional, relying primarily on the input of faculty peers to promote improvement and excellence in teaching and service delivery. They should allow for the recognition of good performance rather than simply focusing on areas for improvement. Finally, the process must be honest, with evaluators who have been properly trained and are willing to put the quality and integrity of the instructional program ahead of personal relationships or agendas. If the evaluation raises issues or areas in which the evaluatee is not performing acceptably, evaluators must work to address those difficulties in ways that are aimed at helping the evaluatee improve and succeed but that also protect the interests of the college and especially those of students.

Because evaluation language is typically negotiated and written into the faculty contract, evaluations are often seen as primarily an issue for the bargaining unit. However, Education Code mandates that bargaining units consult with academic senates before entering into negotiations regarding evaluations, thus making this area a matter of shared purview. In addition, because the landmark legislation AB 1725 (Vasconcellos, 1988) indicates that the most significant purpose of faculty evaluations is to promote professional development, evaluation processes are included in the academic senate purview under Title 5 Section 53200 (b), which gives the senate authority to make recommendations regarding "policies for faculty professional development activities." Certainly the senate voice in this area does not supersede that of the bargaining unit, but rather

the two groups must work together in order to ensure both the protection of faculty employment rights and the establishment of useful and meaningful processes that will benefit the college and the faculty while promoting the most effective student learning possible.

In order to assist colleges in developing and maintaining effective faculty evaluation processes, the Academic Senate for California Community Colleges passed resolution 19.05 at its Fall 2011 plenary session. This resolution read as follows:

Whereas, Education Code and Title 5 Regulations clearly define the local academic senate's purview relative to academic and professional matters, and the evaluation of faculty, including counselors and librarians, is a professional matter negotiated by local unions after consultation with local academic senates (Education Code §87610.1);

Whereas, The Academic Senate advocates for quality evaluations and evaluation procedures but has not recently surveyed local academic senates about the types of evaluation processes currently in use across the state and has not updated its 1990 paper *Guidelines for Developing a Faculty Evaluation Process*; and

Whereas, Many changes in teaching and service delivery have occurred in the last 20 years (i.e., distance education, hybrid courses, web-based databases and online student faculty interactions) which require modified or new evaluation techniques and processes;

Resolved, That the Academic Senate for California Community Colleges survey districts on the processes and criteria used for faculty evaluation and work with statewide bargaining organizations to analyze the results and identify and formulate effective practices for the purpose of updating the 1990 paper *Guidelines for Developing a Faculty Evaluation Process*.

The 1990 paper referenced in the resolution, although an important early attempt at setting forth good principles for faculty evaluation processes was limited in scope and detail: excluding sample documents, the content extended for only slightly over two pages. The Academic Senate believes that a more in-depth discussion of faculty evaluations is justified and needed. Therefore, this current paper is intended not as an update of the 1990 paper but rather as a replacement for it.

Although the details and structure of evaluation processes for tenured, tenure-track, and part-time faculty may vary within an institution, the principles and practices discussed in this paper will typically apply equally to all of these faculty groups. Certain instances in which differences in evaluation processes for these groups may exist are noted within the paper, but because the majority of the information should be relevant to all types of faculty evaluations, the paper is presented from a broad perspective and does not divide potentially different processes into separate discussions.

MINIMUM REQUIREMENTS AND GUIDELINES

The specific processes regarding faculty evaluations are a matter of local decisions normally made through the collective bargaining process. However, both California Education Code and the Accrediting Commission for Community and Junior Colleges (ACCJC) establish a required framework for the structure and content of the evaluation process.

REQUIREMENTS FROM EDUCATION CODE AND THE ROLES OF BARGAINING AGENTS AND ACADEMIC SENATES

California Education Code Part 51, Chapter 3, Article 4, §87660-87663 deals specifically with the subject of “Evaluations and Discipline.” The most relevant section to the content and process for faculty evaluation is §87663, which lists requirements for the frequency of evaluations (subsection a), inclusion of a peer review process (subsections c and d), considerations of diversity (subsection d), inclusion of student input (subsection g), and the rights of probationary faculty (subsection h). In all of the subsections listed, Education Code indicates that the process should include consideration of these areas but does not dictate the manner in which they should be included.

Section 87663 also states that “The Legislature recognizes that faculty evaluation procedures may be negotiated as part of the collective bargaining process” (subsection e) and that “[i]n those districts where faculty evaluation procedures are collectively bargained, the faculty’s exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures” (subsection f). Thus, Education Code explicitly identifies faculty evaluations as an area of shared purview for academic senates and bargaining agents: The bargaining agent has the right to negotiate the specific contract language for the process, but only with the input of the academic senate.

Education Code explicitly states that the bargaining agent must consult the academic senate “prior to engaging in collective bargaining” regarding faculty evaluations. However, the spirit of both the Education Code section and of AB 1725 (Vasconcellos, 1988) indicates this language should be taken as a baseline or a floor for consultation between the academic senate and the bargaining agent, not as a limitation or a ceiling. AB 1725 states that “The evaluation process should promote professionalism, enhance performance, and be closely linked with staff development efforts” (section 4.v.1) and that “the principal purposes of the evaluation process are to recognize and acknowledge good performance, to enhance satisfactory performance and help employees who are performing satisfactorily further their own growth, to identify weak performance and assist employees in achieving needed improvement, and to document unsatisfactory performance” (section 4.v.4). These statements clearly connect faculty evaluation to professional development, an area explicitly designated as an academic and professional matter under the purview of the academic senate in Title 5 § 53200 (b). If the bargaining unit were to consult with the academic senate regarding evaluations only prior to entering negotiations and then reach contractual agreements on this issue that contradict the senate’s input without further consultation, the spirit of the legislative language would be violated. Thus, to meet fully the expectations of AB 1725, Education Code, and Title 5, consultation between the bargaining unit and the academic senate should take place not only prior to bargaining but throughout the negotiation process in order to ensure that the purview of both faculty representative groups is respected.

At many colleges, full-time and part-time faculty are represented by two different bargaining agents. In such cases, the academic senate must be certain to work with both groups as appropriate. The evaluation processes for full-time and part-time faculty may be similar; in fact, the Faculty Equity Statement of the Council of Faculty Organizations (COFO) states, “Full- and part-time faculty are required to meet the same minimum qualifications for employment and should be hired and evaluated using comparable processes.” (ASCCC, 2002). However, while comparable and equitable processes for all faculty groups should be maintained to the greatest degree possible, factors such as differing professional obligations and work expectations and differing college cultures may make some divergence from a single common process necessary. Whether or not the evaluation process for all faculty is the same, the voice of part-time faculty should be respected regarding their specific work situation and professional needs, and thus academic senates must consult as appropriate with all relevant faculty bargaining agents at their colleges.

In order for meaningful consultation to take place, the bargaining agent and the academic senate must establish an ongoing cooperative relationship. The bargaining agent must be assured that the academic senate is a strong advocate for faculty and is supportive and respectful of the bargaining agent’s authority. In turn, the bargaining agent must ensure that the academic senate is informed of all deadlines and protocols within the negotiation process and must respect the voice of the senate in matters under its purview. Finally, the two representative faculty organizations must see themselves as working toward common goals in terms of both protecting faculty rights and promoting academic quality and student success. To achieve such a relationship between the two faculty bodies, communication should be open and consistent not only during the negotiation process, but at all times. Academic senates might work with their local bargaining agents to create written agreements or memorandums of understanding that delineate the issues on which the groups will consult and how that consultation will take place.

An even stronger connection between the academic senate and the bargaining agent might be established through a standing joint committee to consider matters related to faculty evaluations. Such a committee might serve as an oversight body to ensure that evaluation processes are followed properly and that both faculty rights and academic rigor are upheld. The committee would also provide a forum through which the academic senate and the bargaining unit could consult regarding evaluation processes and needed or proposed changes on an ongoing basis. Due to the nature of negotiation processes, the bargaining unit may not always be in a position to consult with the academic senate on all points while negotiations are underway. While the senate may advocate for specific, principled positions regarding evaluations, the bargaining agent may need to compromise on some points in the give-and-take exchange that often occurs during negotiations. The academic senate must understand that it cannot expect the bargaining agent to uphold the senate’s positions in every instance. For this reason, the two groups should work to understand each other’s positions and to develop a joint perspective and set of priorities before negotiations begin, thus allowing the bargaining unit to negotiate as needed while still respecting the senate’s views to the greatest degree reasonable. A standing joint committee of the academic senate and the bargaining unit could allow for the meaningful and ongoing dialogue necessary to establish the level of understanding and confidence necessary to work cooperatively and to serve the purposes of all parties.

REQUIREMENTS AND GUIDELINES FROM THE ACCREDITATION STANDARDS

The Accrediting Commission for Community and Junior Colleges (ACCJC) makes its only direct reference to faculty evaluation in its Accreditation Standard III.A.1 subsections b and c. The statement in subsection b is fully consistent with the language and intent of California Education Code: “The institution assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals... Evaluation processes seek to assess effectiveness of personnel and encourage improvement.” As with Education Code, this accreditation standard stresses the importance of a meaningful, periodic process that promotes individual development and professional excellence in all employees.

In contrast, subsection c of Standard III.A.1 makes direct reference to faculty evaluation and mandates some inclusion of student learning outcomes assessment in the evaluation process: “Faculty and others directly responsible for student progress toward achieving stated student learning outcomes have, as a component of their evaluation, effectiveness in producing those learning outcomes.” This directive has been interpreted in various ways by colleges throughout California and has led to significant debate regarding the standard’s intent and meaning.

The Academic Senate for California Community Colleges opposes the use of student learning outcomes data for the purposes of individual faculty evaluations. This position was stated and explained in the 2004 ASCCC paper *The 2002 Accreditation Standards: Implementation*:

[U]sing [SLOs] as a basis for faculty evaluations (III.A.1.c) demonstrates an egregious disregard for local bargaining authority and interjects a threatening tone into what the ACCJC claims is a collegial peer process . Moreover, III.A.1.c is particularly coercive to non-tenured and adjunct faculty; and is viewed by the Senate as nothing less than an attack on our profession. (p. 13)

In Fall 2008, the ASCCC passed Resolution 02.01, which reaffirmed the position with the following statement:

Resolved, That the Academic Senate for California Community Colleges work with the Accrediting Commission for Community and Junior Colleges to clarify the intent of standard III.A.1.c in order to resolve the conflicting messages being delivered by various visiting teams;

Resolved, That the Academic Senate for California Community Colleges affirm its opposition to including the attainment of student learning outcomes as an aspect of individual faculty evaluations; and

Resolved, That the Academic Senate for California Community Colleges work with the Accrediting Commission for Community and Junior Colleges and with other concerned statewide faculty organizations to ensure that accreditation recommendations do not use student learning outcomes in any manner that would undermine either local bargaining authority or the academic freedom of individual faculty members.

The ASCCC maintains this position today, as noted in recent publications such as the 2012 Senate *Rostrum* article “Faculty Evaluations—The SLOAC Debate Continues” (Townsend-Merino & Mahon, 2012) and the 2010 paper *Guiding Principles for SLO Assessment*, which explains the ASCCC’s justification for the position in detail. Nevertheless, Accreditation Standard III.A.1 remains controversial, and colleges continue to debate both the meaning of the standard and the most appropriate ways to meet it.

Although the ASCCC has rejected and opposed the use of specific student learning outcomes data in faculty evaluations, it certainly encourages active participation in the SLO assessment cycle. The language of Accreditation Standard III.A.1.c leaves open various avenues for addressing the standard based on this participation without including the specific SLO results of individual faculty members or programs. Specific examples of ways in which colleges have chosen to address Standard III.A.1.c, are included in the *Rostrum* articles “Accreditation and Faculty Evaluations?” (Alancraig & Fulks, 2007) and “Faculty Evaluations—The SLOAC Debate Continues” (Townsend-Merino & Mahon, 2012). The method a college chooses for meeting this standard is a matter of local determination and is a subject for careful consideration by both the academic senate and the bargaining unit.

SOUND PRINCIPLES FOR EVALUATION PROCESSES

The specific processes used for faculty evaluation are a matter of local decision, and no one model is likely to satisfy or serve faculty at all community colleges throughout California. Nevertheless, certain principles and practices that have proven effective for individual colleges may be worth consideration by others. Various suggestions for these principles and practices were collected through an ASCCC survey on faculty evaluations sent to local academic senate presidents in December 2012. Many of the survey questions were qualitative and provided an opportunity to share reflections and practices, both positive and negative, in narrative form regarding faculty evaluation processes. The responses received from local colleges in the 2012 survey help to inform the suggestions offered in this section.

MAKING EVALUATIONS MEANINGFUL

If a faculty evaluation process is to be effective, then faculty must see the process as meaningful and useful rather than as an obligation or a threat. The process must be perceived as honest and fair, with a specific process clearly outlined in the faculty contract. This process should include such matters as how evaluators are selected, what information will and will not be included, what timelines will be followed, and what avenues for appeal are available to the evaluatee.

The contract language for the process should also stress its focus on improvement and professional development rather than punitive action. If areas requiring improvement are discovered, the contract should outline proper approaches for addressing those areas. Such approaches may include a detailed plan for improvement, proposed either by the evaluatee alone or in conjunction with committee members, or other follow-up activities and a timeline indicating when that follow-up is expected to take place. Such timelines should give the evaluatee reasonable opportunity to reflect on the input received and make any necessary adjustments.

To the greatest degree possible, all input and discussion involved with the evaluation should be presented in a positive manner. The tone of the evaluators' comments should not be accusatory or denigrating, but rather should be focused on enhanced job performance and better service for students. Suggestions for improvement should not be perceived as insults or attacks, but rather should be included and welcomed in all evaluations, as even the best faculty member can continue to learn and grow. A robust evaluation system that stresses individual growth over punishment will encourage faculty to perceive input as a positive opportunity to improve their performance and benefit their students, not as potential testimony to be used against them. Contract language that characterizes the process in this light might help to stress the professional development aspect of the evaluation and make the process more comfortable and meaningful for the evaluatee.

Evaluations might also become more meaningful if they allowed evaluators more opportunity to congratulate and commend the evaluatee for his or her performance. At many colleges, "satisfactory" is the highest rating allowed on evaluations. Greater opportunity to indicate the evaluatee's work and contributions as outstanding, even when suggestions for further improvement are presented, might allow for a greater enthusiasm and a more honest final decision. A process that allows faculty to feel validated and appreciated might be perceived as more positive and thus may promote more enthusiastic and involved participation.

No matter how positively and productively a faculty evaluation process is constructed, evaluators will sometimes have the duty of reviewing unacceptably weak or substandard performance. While all feedback should be presented as constructively as possible, faculty evaluators must not shy away from their responsibilities to acknowledge significant problems if such problems exist and to recommend serious corrective actions when necessary. An evaluation process can only be successful and useful if it does not hide or ignore areas in which the evaluatee fails to meet expectations. Evaluators should make every attempt to be supportive and encouraging, but they must not refuse to make difficult decisions when appropriate. Only if all participants fulfill their roles conscientiously and honestly will the faculty and the institution be able to see the process as meaningful.

VALUE AND AUTHORITY OF PEER REVIEW AND PEER ROLES

California Education Code § 87663 (c) establishes that "Evaluations shall include, but not be limited to, a peer review process." AB 1725 (Vasconcellos, 1988) further explained this requirement: "(5) A faculty member's students, administrators, and peers should all contribute to his or her evaluation, but the faculty should, in the usual case, play a central role in the evaluation process and, together with appropriate administrators, assume principal responsibility for the effectiveness of the process." Thus, both Education Code and AB 1725 affirm the value and importance of peer review and input to the evaluation process.

Each college has the right to determine how its evaluators or evaluation committees are selected and composed: some allow for the evaluatee to participate in the selection, some establish committees through elections, some choose evaluators at random, and various other methods of creating the committee or selecting evaluators also exist. The important principle in this area is that faculty maintain the primary voice in evaluating their peers. Faculty are the experts in instructional practices and serving students, and thus they are best positioned to offer beneficial input to the evaluatee. For this reason, faculty are also more likely to respect the viewpoints of their peers regarding instructional or service issues and are therefore more likely

to accept their feedback. Finally, because faculty generally have no authority to discipline each other, peer feedback may be perceived as less threatening and consequently might be more willingly received.

In general, most faculty prefer that evaluators be colleagues from the same academic discipline or area as the evaluatee. In some cases the benefit of specific content knowledge or discipline expertise may need to be balanced against the requirement of establishing a diverse group of evaluators: Education Code section 87663 (d) states that “The peer review process shall be on a departmental or divisional basis, and shall address the forthcoming demographics of California, and the principles of affirmative action.” The two provisions of this statement may conflict in smaller departments that do not have a diverse faculty. The way in which colleges address this provision of the Education Code is a local decision; some choose to add evaluators from outside the department in order to enhance diversity, while others replace department or discipline members with more diverse faculty from other academic areas. Discipline expertise is an important quality in an evaluator and should not be discounted, but faculty from other disciplines can also be valuable evaluators: any experienced instructor should be able to distinguish effective from ineffective teaching. The specific circumstances and process through which appropriate replacements, additions, or other solutions will be determined should be delineated in the faculty contract. However, the same section of Education Code goes on to state, “The process shall require that the peers reviewing are both representative of the diversity of California and sensitive to affirmative action concerns, all without compromising quality and excellence in teaching.” Thus, the primary consideration in composing an evaluation committee should be academic quality and excellence. Education Code clearly states that while diversity of the committee is an important concern, it should not override the professional expertise of the committee that allows for a meaningful evaluation that promotes professional excellence and student success.

TRAINING THE EVALUATORS

While processes for faculty evaluation vary widely throughout California, most colleges and districts have at least one thing in common: The individuals who perform the evaluation typically have little or no guidance for or background in doing such work. Few colleges have established a formal training program for faculty evaluators, and such a program could be beneficial for all involved in the process.

One obvious aspect of the training might be a review of the technical requirements included in the contract in order to be certain that all processes are respected and all relevant information included. However, a training program might extend beyond formal requirements to a wider range of considerations. Evaluators often have no background or direction regarding what to look for when evaluating materials or considering student input or when observing the performance of an evaluatee. Their impressions are therefore often generalized, not focused on specific areas or expectations, and they may therefore be less likely to offer clear and useful suggestions for improving faculty performance and student learning. A more carefully trained evaluator with specific goals or expectations in mind might be better able to provide more concrete and carefully considered input that might then lead to a greater growth opportunity for the evaluatee.

While faculty should take a leading role in developing the content of any training program for faculty evaluators, the implementation and support of such a program is not the sole responsibility of faculty. Local

human resources offices can also play an important role in organizing and providing such training. However, the faculty bargaining agent would have to agree to the inclusion of such training in contract language if it were to be a requirement, and both the local academic senate and the bargaining agent should be directly involved in designing any such program in order to ensure that its content serves best the interests of both the evaluators and the evaluatee. With a cooperative approach among these different stakeholders, colleges could develop training programs that would enhance the quality and the value of their evaluation processes.

EVALUATING ONLINE INSTRUCTION AND THE USE OF TECHNOLOGY

Distance education courses in California community colleges are expected to meet the same standards as classroom instruction: Title 5 § 55202 states, “The same standards of course quality shall be applied to any portion of a course conducted through distance education as are applied to traditional classroom courses.” Nevertheless, due to such issues as the interaction with students through technology and the opportunity for direct observation of the instructor’s performance, many colleges have established different or supplemental processes for the evaluation of faculty who teach online.

At many colleges, the differences in evaluations of distance education faculty may be more mechanical or procedural than substantive. For example, some colleges use an online version of the same student evaluation form used for other faculty evaluations and provide students a link to the form. Others use similar criteria for evaluation but apply different indicators of performance more appropriate to an online environment. In contrast, some colleges may ask distance education faculty to demonstrate compliance with the various regulations and accreditation requirements that apply to distance learning, such as maintaining “regular effective contact” as defined in Title 5 § 55204, verification of student identity, and other matters. Other colleges require faculty whose teaching relies heavily on technology to demonstrate competence in using that technology. In these cases, the evaluation process for distance learning faculty may differ from that for faculty who teach on campus. Although evaluations for distance learning courses may be approached in many different ways, colleges should ensure that the unique situations and needs of the students involved in these courses are recognized and accommodated in the evaluation process.

Some colleges also make distinctions in terms of evaluation processes between fully online courses and other levels of distance education, whether they involve hybrid courses, face-to-face courses augmented through technology, or other possibilities. Such decisions are a matter of local control and may be negotiated by the faculty bargaining unit for each college or district with special allowances by department or discipline. However, any differences in evaluation processes, as well as the circumstances in which those differences will be applied, should be clearly indicated in the faculty contract. While colleges may find legitimate reasons to apply different evaluation processes and criteria to varying instructional environments, those differences should always be negotiated and established before they are applied.

DIFFERENT EVALUATIONS FOR DIFFERENT FACULTY ASSIGNMENTS

Just as some colleges have established separate processes for different delivery modes such as distance education, many have created distinct processes for different types of faculty assignments. Counselors and librarians are the most common groups of faculty for which such divergent processes are developed,

but some colleges also use differing processes or criteria for coaches, nurses, coordinators, or others. In many cases the general criteria for successful performance may be similar for all faculty, but aspects of the evaluation such as classroom observations or student input may be altered or eliminated based on their appropriateness for the specific assignment. Some colleges may also develop different forms with questions or information specifically designed to be relevant for the faculty group in question. As with distance learning and technology use, any separate process to be used for specific faculty groups should be negotiated by the bargaining unit and delineated in contract language before it is put into practice.

FORMAT AND INFORMATION INCLUDED IN EVALUATIONS

As with other aspects of the faculty evaluation process, the specific information that must be included in the evaluation is largely a matter of local control. Education Code § 87663 (g) indicates that student evaluations should be considered “to the extent practicable,” and ACCJC Standard III.A.1.c mandates some evidence of “effectiveness in producing” student learning outcomes. In each of the cases, the language of the requirement leaves considerable room for interpretation. Other information included in the evaluation materials varies greatly from college to college.

While multiple-choice responses form some aspect of many faculty evaluations data, most colleges also require narrative comments from faculty peers, administration, students, or all. In fact, every college that responded to the 2012 ASCCC survey indicated that narrative comments in some form are required in their faculty evaluations. The most common form in which multiple choice responses are included in faculty evaluations is through student input; outside of this area, most colleges rely primarily if not exclusively on narrative commentary from faculty colleagues, from administration, or from the evaluatee himself or herself.

The 2012 ASCCC survey indicates that some form of self-assessment is a typical aspect of most faculty evaluation processes. The evaluatee may be asked to respond in narrative form to student evaluations, to describe professional activities, to reflect on changes in their own performance since the previous evaluation, or to produce other comments on their own growth or contributions. These self-assessments may come through responses to specific prompts or may simply be responses to general aspects of the faculty member’s duties. Faculty are often also required to submit syllabi, course assignments, and other class materials as source material for their evaluation, but a reflective or descriptive narrative in some form normally accompanies such materials.

At many colleges, faculty are required to set personal or professional goals as an element of their evaluation and to comment on their success in accomplishing those goals in the following evaluation cycle. The goals statements may be developed and presented in various ways and are often more a matter of reflection on the part of the evaluatee than a subject for critique. However the goals are included, such a practice may lead to more in depth self-examination by the faculty member and to additional input from the evaluators, and thus it is consistent with a process that stresses growth and improvement for faculty.

Colleges have found various ways to address ACCJC Standard III.A.1.c regarding the inclusion of student learning outcomes information. A small minority of respondents to the 2012 ASCCC survey indicated that SLO results are included in evaluations, but even in these cases the results may be used in various ways, from adherence to course outlines to evidence of participation in the assessment process to actual analysis

of the results. In contrast, several survey respondents indicated emphatically that specific SLO data are not included in faculty evaluations and they meet the accreditation standard by indicating participation in the college's SLO assessment process rather than by considering specific data.

Another potentially controversial element of faculty evaluations is collegiality. Some faculty may perceive this concept to be overly subjective and open to abuse based on personal relationships. However, a faculty member's interaction with his or her colleagues is a relevant aspect of his or her job performance. An individual may be a competent teacher but may also be a disruptive or detrimental force within a division, department, or program. Such an individual can negatively impact the progress of the college's educational program and therefore its service to students despite demonstrating acceptable classroom performance. Nevertheless, due to the risk of perceived or real bias, any criteria for including collegiality in faculty evaluations should be carefully and specifically determined through consultation among the academic senate, the bargaining unit, and the college administration and should be clearly delineated in the faculty contract.

CONNECTING FACULTY EVALUATIONS TO THE PROFESSIONAL DEVELOPMENT PROGRAM

While the faculty evaluation process itself should be seen as a tool for individual professional development, the process could also be connected to the more general professional development program of the college. Such a connection might best be made through explicit identification of locally available professional development opportunities that are consistent with the evaluatee's personal specific goals or of future expectations for improvement, if such opportunities are currently available. Alternatively, identified personal goals might be used to inform the offerings of the local professional development program. An anonymous list of such goals or expectations might be compiled and submitted to the institution's professional development coordinator or to an appropriate professional development planning body. Such information could then be used to determine the areas in which faculty need or wish to improve and could help to inform a schedule of workshops or other activities that the college could offer. Through such a connection, faculty would receive more support to help them achieve their individual goals, and the institution as a whole would benefit from a more coordinated approach to addressing areas of interest or need. Both the faculty evaluation process and the professional development program would become more meaningful and useful experiences for all participants.

INCLUSION OF STUDENT INPUT

Education Code § 87663 (g) states, "It is the intent of the Legislature that faculty evaluation include, to the extent practicable, student evaluation." Not only is the inclusion of student input therefore a legally required aspect of faculty evaluation, but the comments and reaction of students can be a valuable aspect of the evaluation process. Student input can reflect directly on a faculty member's professionalism and effectiveness, and thus student evaluations should be given reasonable and serious consideration whenever possible in evaluation process.

However, the type and extent of contact that faculty have with individual students is not consistent across all faculty groups, and therefore student input might be considered differently in different situations. For example, counseling faculty's contact with students may be both more direct and personal but also more limited if the counselor only sees the student for a ten or twenty minute appointment. Likewise, a librarian conducting an orientation is certainly teaching a group of students, but that orientation may be a one-time

event rather than an ongoing experience. In such cases, student responses and even students' willingness to take an evaluation seriously may be impacted. Colleges must consider carefully what level of student input is appropriate and how that input can best be collected for different faculty groups.

The form or other instrument used for student evaluations can also have an impact on student responses. Many students take questions very literally, and thus the more narrowly worded a question may be or the more it intentionally or unintentionally limits responses, the more it may direct students toward a specific answer. For example, a question that asked students to rate a faculty member's "use of instructional materials such as PowerPoints" might receive negative responses even though the instructor makes good use of other instructional materials because students fail to consider the term "such as" and react only to the question of PowerPoints. For this reason, while numerical, multiple-choice ratings may be easier to compile and analyze, instruments that allow and encourage students more freedom to express their responses through narrative comments may often elicit more useful input.

INCLUSION OF COLLEGE OR PROFESSIONAL SERVICE

Most faculty contracts include some obligation for college or professional service on the part of faculty. Such service may include college committee work, working with student clubs, involvement with state-level events and organizations or other functions outside the campus, or various other activities beyond the faculty member's primary responsibilities for teaching or providing services to students. The extent of this obligation varies across the community college system and may be defined through weekly hours, yearly hours, number of committees or activities, or in other ways.

The degree to which evidence of this service is included in faculty evaluation processes also varies widely among colleges. Some processes do not consider college or professional service at all. If evidence of service is noted in the evaluation at all, it is frequently included only in the evaluatee's self-assessment and no actual evidence or documentation is required. Finally, those colleges that do require documentation of college or professional service often note that the focus of the evaluation is on quantity—on meeting the minimum requirement—and that the process includes no criteria for measuring the quality of the service.

As with most other aspects of the faculty evaluation process, responsibility for professional service is a local issue and it must be negotiated into the process by the bargaining unit if it is considered at all. However, if such service is a requirement in the faculty contract, then inclusion and evaluation of such service into the evaluation process is certainly reasonable. In order for the faculty voice to be represented and for the college to function effectively, faculty must be involved in the governance and the decision-making of the college. The ASCCC therefore recommends that academic senates work with their local bargaining units to explore reasonable mechanisms for including both quality and quantity of college and professional service in the faculty evaluation process.

THE IMPORTANCE OF HONEST EVALUATIONS AND MAKING HARD DECISIONS

FACULTY EVALUATIONS SHOULD BE A COLLEGIAL tool for improving instruction and service, fostering professional and personal growth, and enhancing student learning. However, the process on occasion must also serve other functions. As AB1725 (Vasconcellos, 1988) noted, “the principal purposes of the evaluation process are to recognize and acknowledge good performance, to enhance satisfactory performance and help employees who are performing satisfactorily further their own growth, to identify weak performance and assist employees in achieving needed improvement, and to document unsatisfactory performance” (section 4.v.4). The phrases “To identify weak performance” and “to document unsatisfactory performance” need not necessarily imply punitive action toward the faculty member, but they do indicate that substandard work should not be ignored and that sometimes difficult or uncomfortable decisions may be necessary in order to address such deficiencies.

If faculty are willing to overlook the substandard performance of their peers due to fear of retribution or a misguided sense of collegiality, then those peers will not improve their performance, the evaluation process will lose meaning, and ultimately students will suffer. The primary obligation of all faculty, and indeed of all employees of the California Community College System, is to promote excellence in student learning and student service. Evaluators that do not uphold this crucial obligation are serving the interests of neither their institutions nor the students and may be inhibiting the potential growth and improvement of the evaluatee by failing to provide truly needed feedback and mentoring. This principle applies to all levels of the evaluation process and to all instances of substandard performance.

If evaluators are not willing to address deficiencies in the performance of part-time faculty, then those individuals will continue to perform at an unacceptable level but may nevertheless rise on seniority lists and work their way into an inappropriate level of job security. In addition, if such part-time faculty are not informed of the areas in which they need to improve, they will likely never become serious candidates for full-time positions.

Likewise, high standards must be applied from the very beginning of any tenure-track process: if a committee does not evaluate a tenure-track faculty member honestly in the early stages of the tenure review process, then that faculty member will not be given a fair opportunity for improvement in future evaluations. Should the judgment at the end of the faculty member’s probationary period be negative, that decision will not only be more difficult to make, but it will also be more difficult to justify.

Tenured, full-time faculty must also be held to meaningful standards and evaluated seriously and honestly. At any stage of one’s career, honest feedback is important for continued growth and improvement, and the institution is no more served by an evaluator overlooking substandard work by a tenured full professor than by doing so for a brand new part-time instructor.

Certainly serious corrective action, including discipline or dismissal of a faculty member, should be taken only after sufficient opportunity and support for adjustment or improvement has been made available to

the faculty member and only after other appropriate options have been exhausted. However, in extreme cases, serious action may be necessary, and appropriate parties must be willing to make such judgments. Such situations are uncomfortable for many faculty: we are reluctant to make negative judgments of our colleagues, especially when we enjoy personal friendships with those peers or when we fear that a negative evaluation may create divisions among our peers in our department or at our college. However, faculty evaluators must always remain focused on their first responsibility: excellence in instruction and service to students. If faculty do not respect this principle, no matter how difficult doing so may sometimes be, then faculty evaluation processes will ultimately have little meaning and the institution, the students, and the faculty as a whole will suffer.

ADMINISTRATIVE ROLES IN FACULTY EVALUATION PROCESSES

WHILE FACULTY HAVE THE PRIMARY RESPONSIBILITY for conducting and participating in the faculty evaluation process, administrators also play several important roles. Administrators must oversee and guide the process, support faculty efforts and decisions, and establish a culture and environment in which honest and meaningful evaluations can take place.

In order to ensure a fair and meaningful process in which faculty are comfortable with providing honest feedback, administrators must be fully knowledgeable regarding the sections of Education Code that pertain to faculty evaluation, local board policy relevant to this topic, and the specific language and details of the process as outlined in local collective bargaining agreements. They should be well organized, especially if the local evaluation process calls for the administrator to facilitate the evaluation process.

An administrator should be supportive of both the evaluators and the evaluatee, striving to dispel any concerns that the evaluation process may be punitive, adversarial, or revengeful and to encourage a sense of collegiality and a positive focus on growth and improvement. In working toward this end, the administrator may need to remind the faculty of what evidence is appropriate for consideration in the process as defined in the local bargaining agreement and help the evaluators to avoid giving attention to hearsay or other arbitrary sources of information. To promote clear communication between the evaluators and the evaluatee, the administrator should also ensure that all comments and input are direct and unequivocal and that any recommendations for improvement are phrased constructively and can be tied to specific goals or outcomes against which the evaluatee's progress can be measured.

Finally, administrators who serve as evaluators of faculty must also provide fair and honest input to the evaluatee. The discipline expertise or instructional knowledge of the faculty on the committee should always be honored, but an administrator may still express valid opinions regarding performance in many areas. Just as faculty should attempt to make the evaluation process an encouraging and positive experience and an opportunity for growth, comments and input from an administrator should be presented in a similar light. In addition, while ongoing mentoring and advising of the evaluatee may be more the responsibility of faculty, administrators can assist in these functions, especially in terms of professional responsibilities and obligations.

GRIEVANCE PROCEDURES

No matter how much colleges attempt to make their faculty evaluation processes positive, productive, and fair, disagreements and perceived or actual issues with the process will occasionally arise. For this reason, grievance procedures are a necessary and important feature of any evaluation process. Grievable issues can arise regarding various aspects of and at various points in the evaluation. At most California community colleges, grievances can only be filed regarding process violations, but some also allow the results of the evaluation to be grieved or permit some sort of rebuttal by the evaluatee.

As with other aspects of the evaluation process, grievance procedures should be clearly defined in the faculty contract. Such procedures should include not only the formal steps for filing and resolving a grievance, but also when a grievance can be filed and what aspects of the evaluation process are subject to grievance. These procedures should be agreed upon by the academic senate and the faculty bargaining unit before they are negotiated, and they should ensure that the evaluatee has representation from the bargaining unit as necessary at any point in the evaluation process.

Grievances may be less likely to arise if protections for the evaluatee are built into the evaluation process. Some colleges allow the evaluatee one peremptory challenge to formally request the removal of a team member whom the evaluatee perceives to be acting in an unfair or prejudicial manner. Requiring documentation and examples of any negative information included in the evaluation may also help to minimize perceptions of inequity or prejudice. Including detailed safeguards such as these in the faculty contract may give evaluatees a greater sense of security and faith in the process and thus decrease fears of unfair targeting or inappropriate reprisals.

Evaluators should also be protected as fully as possible throughout the process. To ensure the honesty and integrity of the evaluation and minimize fears of tension or retribution due to negative comments, protections should exist for evaluators, especially through training, that helps the evaluator write an objective, evidence supported review. The requirement of documentation for all input, especially any findings of substandard performance, can also serve as a protection for evaluators, as their findings will be more difficult to contest. Finally, when the final evaluation includes a recommendation for serious corrective action or dismissal, a representative from the faculty bargaining unit might be invited to the evaluation meeting. Such precautions may help faculty to feel more secure in delivering honest and, when necessary, negative input to the evaluatee.

CONCLUSIONS

Faculty evaluation processes should be a collegial and positive opportunity for professional and personal development in order to promote excellence in instruction and service to students. In order to achieve this goal, all aspects of the process should be agreed upon by the academic senate and the faculty bargaining unit and then negotiated into the clearest and most detailed contract language possible. In order to make the evaluations honest and meaningful, colleges must establish an environment in which faculty excellence and success are acknowledged and celebrated, in which suggestions for further improvement and growth are expected and welcomed, and in which both the evaluators and the evaluatee are comfortable with candid discussion of areas for improvement. Administrators can play an important role in creating this environment by ensuring that processes are applied equitably and without prejudice and that the tone of the evaluation conveys an opportunity for growth rather than as a meaningless obligation or, worse yet, as a threat. Given such an environment, faculty must be willing to conduct honest evaluations and to address weak or substandard performance professionally but conscientiously. When evaluations reveal evidence of substandard performance, ample opportunity and clear goals to correct any deficiencies should be provided to the evaluatee, and only after such opportunity and should more serious corrective actions such as dismissal be considered. With such processes in place, colleges can make faculty evaluations into a positive experience that ultimately serves to enhance student learning.

RECOMMENDATIONS FOR LOCAL ACADEMIC SENATES

1. Consider creating a standing committee of senate representatives and bargaining unit representatives who could consult regarding issues related to faculty evaluation on an ongoing basis.
2. Work with the local bargaining unit to ensure that a clear and equitable process for selecting evaluators is included in the faculty contract.
3. Consider working with their local bargaining unit and with their district's human resources department to develop a training program for members of faculty evaluation committees.
4. Work with the local bargaining unit to ensure that the development and pursuit of individual goals is included as an aspect of the faculty evaluation process.
5. To the greatest degree practical, work with relevant college personnel or planning bodies to use anonymous information compiled from faculty evaluations to inform the overall professional development program of the college.
6. In order to encourage open and honest dialogue in the evaluation process and to minimize any fear of prejudicial treatment or reprisal, work with the local bargaining unit to ensure that the faculty contract includes reasonable protections for both the evaluators and the evaluatee.
7. Work with the curriculum committee, bargaining unit, and other relevant college groups to ensure that the unique situations of distance learning courses and the needs of distance learning students are accounted for in the evaluation process.

REFERENCES AND RESOURCES

- Academic Senate for California Community Colleges (ASCCC). (2002). Part-time faculty: A principled perspective. Sacramento, CA: Author. Retrieved February 5, 2012 from <http://asccc.org/sites/default/files/Part-Time.pdf>
- Academic Senate for California Community Colleges (ASCCC). (2004). The 2002 Accreditation standards: Implementation. Sacramento, CA: Author. Retrieved February 5, 2012 from <http://asccc.org/sites/default/files/SLO-paper-Fall2010.pdf>
- Academic Senate for California Community Colleges (ASCCC). (2010). Guiding principles for SLO assessment. Sacramento, CA: Author. Retrieved February 5, 2012 from <http://asccc.org/sites/default/files/SLO-paper-Fall2010.pdf>
- Accrediting Commission for Community and Junior Colleges (ACCJC). (2012). Accreditation standards. Novato, CA: Author. Retrieved February 5, 2012 from http://www.accjc.org/wp-content/uploads/2012/08/Accreditation-Standards_Revised-June-2012.pdf
- Alancraig, M., & Fulks, J. (2007). Accreditation and faculty evaluations? *Rostrum* (December 2007), 2-3. Retrieved February 5, 2012 from <http://asccc.org/content/accreditation-and-faculty-evaluations>
- Hennessy, E. (2012). ACE releases accreditation task force report. *American Council on Education* (June 7, 2012). Retrieved February 5, 2012 from <http://www.acenet.edu/news-room/Pages/Accreditation-Task-Force-Release.aspx>
- Lederman, D. (2012). More accountable accreditation. *Inside Higher Education* (June 7, 2012). Retrieved February 5, 2012 from <http://www.insidehighered.com/news/2012/06/07/ace-panel-calls-sustaining-changing-regional-accreditation#ixzz2IBHg7HX0>
- Townsend-Merino, K. & Mahon, R. (2102). Faculty evaluations: The SLOAC debate continues. *Rostrum* (April 2012). Retrieved February 5, 2012 from <http://asccc.org/content/faculty-evaluations---sloac-debate-continues>.
- Vasconcellos (1988). Assembly Bill 1725. Retrieved February 5, 2012 from <http://www.faccc.org/advocacy/bills/historical/ab1725.PDF>

APPENDIX A: EDUCATION CODE SECTIONS 87660-87683

87660. The provisions of this article govern the evaluation of, the dismissal of, and the imposition of penalties on, community college faculty. Other provisions of this code which govern the evaluation of, dismissal of, and the imposition of penalties on, community college faculty shall be applied to persons employed by a community college district in a manner consistent with the provisions of this article.

87661. For the purposes of this article:

- (a) “Academic year” means that period between the first day of a fall semester or quarter and the last day of the following spring semester or quarter, excluding any intersession term that has been excluded pursuant to an applicable collective bargaining agreement.
- (b) “Contract employee” or “probationary employee” means an employee of a district who is employed on the basis of a contract in accordance with Section 87605, subdivision (b) of Section 87608, or subdivision (b) of Section 87608.5.
- (c) “District” means a community college district.
- (d) “Regular employee” or “tenured employee” means an employee of a district who is employed in accordance with subdivision (c) of Section 87608, subdivision (c) of Section 87608.5, or Section 87609.

87662. Except as provided in Section 72411 and subdivision (i) of Section 87663, the provisions of this article do not apply to administrators employed pursuant to Section 72411.

87663. (a) Contract employees shall be evaluated at least once in each academic year. Regular employees shall be evaluated at least once in every three academic years. Temporary employees shall be evaluated within the first year of employment. Thereafter, evaluation shall be at least once every six regular semesters, or once every nine regular quarters, as applicable.
- (b) Whenever an evaluation is required of a faculty member by a community college district, the evaluation shall be conducted in accordance with the standards and procedures established by the rules and regulations of the governing board of the employing district.
 - (c) Evaluations shall include, but not be limited to, a peer review process.
 - (d) The peer review process shall be on a departmental or divisional basis, and shall address the forthcoming demographics of California, and the principles of affirmative action. The process shall require that the peers reviewing are both representative of the diversity of California and sensitive to affirmative action concerns, all without compromising quality and excellence in teaching.

- (e) The Legislature recognizes that faculty evaluation procedures may be negotiated as part of the collective bargaining process.
- (f) In those districts where faculty evaluation procedures are collectively bargained, the faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures.
- (g) It is the intent of the Legislature that faculty evaluation include, to the extent practicable, student evaluation.
- (h) A probationary faculty member shall be accorded the right to be evaluated under clear, fair, and equitable evaluation procedures locally defined through the collective bargaining process where the faculty has chosen to elect an exclusive representative. Those procedures shall ensure good-faith treatment of the probationary faculty member without according him or her de facto tenure rights.
- (i) Governing boards shall establish and disseminate written evaluation procedures for administrators. It is the intent of the Legislature that evaluation of administrators include, to the extent possible, faculty evaluation.

87664. The governing board of each district, in consultation with the faculty, shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its faculty to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees of the district with similar general duties and responsibilities and shall be uniform for all regular employees of the district with similar general duties and responsibilities.

87665. The governing board may terminate the employment of a temporary employee at its discretion at the end of a day or week, whichever is appropriate. The decision to terminate the employment is not subject to judicial review except as to the time of termination.

87666. During the school year, all contract and regular employees are subject to dismissal and the imposition of penalties on the grounds and pursuant to procedures set forth in this article.

87667. A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Section 87732.

87668. A governing board may impose one of the following penalties:

- (a) Suspension for up to one year.
- (b) Suspension for up to one year and a reduction or loss of compensation during the period of suspension.

87669. The governing board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. If the employee is to be dismissed or penalized, the governing board shall determine whether the decision shall be imposed immediately or postponed in accordance with Section 87672.

87670. The procedure set forth in this article does not apply to an immediate suspension effected under Section 87736.

87671. A contract or regular employee may be dismissed or penalized if one or more of the grounds set forth in Section 87732 are present and the following are satisfied:

- (a) The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of this article.
- (b) The district governing board has received all statements of evaluation which considered the events for which dismissal or penalties may be imposed.
- (c) The district governing board has received recommendations of the superintendent of the district and, if the employee is working for a community college, the recommendations of the president of that community college.
- (d) The district governing board has considered the statements of evaluation and the recommendations in a lawful meeting of the board.

87672. If a governing board decides it intends to dismiss or penalize a contract or regular employee, it shall deliver a written statement, duly signed and verified, to the employee setting forth the complete and precise decision of the governing board and the reasons therefor.

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his or her address last known to the district.

A governing board may postpone the operative date of a decision to dismiss or impose penalties for a period not to exceed one year, subject to the employee's satisfying his or her legal responsibilities as determined by statute and rules and regulations of the district. At the end of this period of probation, the decision shall be made operative or permanently set aside by the governing board.

87673. If the employee objects to the decision of the governing board, or the reasons therefor, on any ground, the employee shall notify, in writing, the governing board, the superintendent of the district which employs him or her, and the president of the college at which the employee serves of his or her objection within 30 days of the date of the service of the notice.

87674. Within 30 days of the receipt by the district governing board of the employee's demand for a hearing, the employee and the governing board shall agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the employee and the governing board shall enter into the records

of the governing board written confirmation of the agreement signed by the employee and an authorized representative of the governing board. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

87675. The arbitrator shall conduct proceedings in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. In all cases, discovery shall be completed prior to one week before the date set for hearing. The arbitrator shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or postponed pursuant to Section 87672.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters that occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

87676. In the case in which the arbitrator determines that the operation of his or her decision should be postponed, any question of terminating the postponement shall be determined by the arbitrator.

87677. The district alone shall pay the arbitrator's fees and expenses, and the costs of the proceedings as determined by the arbitrator. The "cost of the proceedings" does not include any expenses paid by the employee for his or her counsel, witnesses, or the preparation or presentation of evidence on his or her behalf.

87678. If within 30 days of the receipt of the notification by the district governing board, no written confirmation of agreement of the employee and the governing board as to an arbitrator has been submitted to the secretary of the governing board for entry into its records, the governing board shall certify the matter to the Office of Administrative Hearings and request the appointment of an administrative law judge.

87679. The administrative law judge shall conduct proceedings in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. In all cases, discovery shall be completed prior to one week before the date set for hearing. The written notice delivered to the employee pursuant to Section 87672 shall be deemed an accusation. The written objection of the employee delivered pursuant to Section 87673 shall be deemed the notice of defense.

87680. The administrative law judge shall determine whether there is cause to dismiss or penalize the employee. If he or she finds cause, he or she shall determine whether the employee shall be dismissed and determine the precise penalty to be imposed, and shall determine whether his or her decision should be imposed immediately or postponed pursuant to Section 87672.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

87681. In the case in which the administrative law judge determines that the operation of his or her decision should be postponed, any question of terminating the postponement shall be brought to the administrative law judge.

87682. The decision of the arbitrator or administrative law judge, as the case may be, may, on petition of either the governing board or the employee, be reviewed by a court of competent jurisdiction in the same manner as a decision made by an administrative law judge under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The court, on review, shall exercise its independent judgment on the evidence. The proceeding shall be set for hearing at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is given by law.

87683. The charges levied by the Office of Administrative Hearings shall be paid by the district.

APPENDIX B: SAMPLE DOCUMENTS

In order to ensure the currency and relevance of all examples and sample documents pertaining to the subject of this paper, the Academic Senate for California Community Colleges has chosen not to attach such documents to the paper itself but instead to publish appropriate materials on the ASCCC website <http://asccc.org/papers/sound-principles-faculty-evaluation>. In this manner the examples and sample documents can be periodically reviewed and updated to ensure their continued utility.

If your college has developed procedures, documents, or forms that might be useful as examples for other institutions, please submit those materials to info@asccc.org so that they may be considered for posting on the ASCCC website.

